

Lara C. de Leon, CA Bar No. 270252
Lara.deleon@ogletreedeakins.com
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
695 Town Center Drive, Park Tower, Suite 1500
Costa Mesa, CA 92626
Telephone: 714.800.7900
Facsimile: 714.754.1298

CAROLYN B. HALL, CA Bar No. 212311
carolyn.hall@ogletreedeakins.com
TIMOTHY L. REED, CA Bar No. 258034
timothy.reed@ogletreedeakins.com
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
Steuart Tower, Suite 1300
One Market Plaza
San Francisco, CA 94105
Telephone: 415.442.4810
Facsimile: 415.442.4870

Attorneys for Defendants
CROSSMARK, INC. and CHI MANAGEMENT GROUP, LP

ERIC A. GROVER, CA Bar No. 136080
egrover@kellergrover.com
ROBERT W. SPENCER, CA Bar No. 238491
rspencer@kellergrover.com
KELLER GROVER LLP
1965 Marker Street
San Francisco, CA 94103
Telephone: 415.543.1305
Facsimile: 415.543.7861

Attorneys for Plaintiffs
CLAY TRIPP AND KAREN SOLBERG

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CLAY TRIPP and KAREN SOLBERG, on
behalf of themselves and all others similarly
situated, and all aggrieved employees

Plaintiff,

vs.

CROSSMARK, INC., CHI MANAGEMENT
GROUP, LP, and DOES 1 through 10, inclusive

Defendant.

Case No. 3:13-cv-03480-WHO

Consolidated with Case No. 14-cv-4461-WHO

**STIPULATION AND ORDER TO AMEND
SETTLEMENT AGREEMENT AND
RESET FINAL APPROVAL HEARING
DATE**

Action Filed: June 4, 2013
Action Removed: July 26, 2013

1 Plaintiffs Clay Tripp, Karen Solberg and Gayle Smith (“Plaintiffs”), by and through their
2 undersigned counsel, and Defendants CROSSMARK, INC. and CHI MANAGEMENT GROUP,
3 LP (“Defendants” or “CROSSMARK”), by and through their undersigned counsel, hereby stipulate
4 and agree as follows:

- 5 1. During the process of finalizing the class data and estimated settlement payments as
6 part of the class notice process several issues arose, including that a number of
7 CROSSMARK employees who met the literal definition of a “Settlement Class 1
8 (Hourly Class) Member” did not work even one “Eligible Shift” (i.e., a shift of six or
9 more hours), thus subjecting them to the release but no settlement payment. In addition,
10 the parties noted that approximately a number of other Settlement 1 Class Members had
11 estimated pre-tax settlement payments of less than \$50 based on their number of
12 Eligible Shifts.
- 13 2. The parties have met and conferred and agreed to clarify the definition of Settlement
14 Class 1 to exclude all hourly employees who otherwise meet the current definition of
15 Settlement Class 1 but did not work a single shift of six or more hours during the
16 Settlement 1 Class Period, June 4, 2009 through October 31, 2014. Such individuals
17 will not be part of Settlement Class 1 and will have no rights extinguished as a result of
18 the settlement. To the extent such individuals also fall within the definition of
19 Settlement Class 2, only the limited Settlement Class 2 release will apply.
- 20 3. In addition, the parties have agreed that, regardless of the number of Eligible Shifts
21 worked by members of Settlement Class 1, the minimum pre-tax settlement payment
22 will be \$50. In order to provide for that minimum payment without reducing the
23 payment to any Settlement Class 1 member with an estimated pre-tax settlement
24 payment over \$50, Class Counsel has agreed to reduce their maximum attorneys’ fees
25 request from 30% (\$420,000) to 25% (\$350,000) and reallocate the \$70,000 difference
26 to the Settlement 1 Class Members.
- 27 4. The parties have revised the approved Settlement Class Notice consistent with the
28 above agreements. A red-lined version of the revised Settlement Class Notice is

1 attached hereto as Exhibit A.

- 2 5. The Settlement Class Notice approved as part of the Court's January 26, 2015 order
3 granting preliminary approval (Docket # 47) was scheduled to be mailed on March 12,
4 2015. The parties delayed the mailing to work through the issues identified above. If
5 approved by the Court, the revised Settlement Class Notice and Claim Forms can be
6 mailed out by March 27, 2015. The mailing delay requires a change to the current May
7 27, 2015 final approval hearing date. The parties request that the final approval motion
8 be reset for June 17, 2015 at 2:00 p.m.

9 THEREFORE, the parties request that the Court enter an Order:

- 10 1. Approving the above stipulations and revised Settlement Class Notice and resetting the
11 final approval hearing for June 17, 2015 at 2:00 p.m.

12
13
14 DATED: March 23, 2015

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

15
16
17 By: /s/ Lara C. de Leon

Lara C. de Leon
Carolyn B. Hall
Timothy L. Reed

18
19 Attorneys for Defendants
20 CROSSMARK, INC. and CHI MANAGEMENT
21 GROUP, LP
22
23
24
25
26
27
28

1 DATED: March 23, 2015

KELLER GROVER LLP

2
3
4 By: /s/ Eric A. Grover
Eric A. Grover
Robert W. Spencer

6 Attorneys for Plaintiffs
7 CLAY TRIPP and KAREN SOLBERG

8
9
10 DATED: March 23, 2015

KAWAHITO, SHRAGA & WESTRICK

11
12 By: /s/ Shawn C. Westrick
13 Shawn C. Westrick

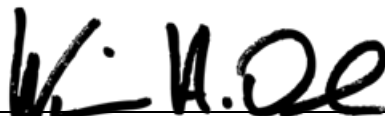
14 Attorneys for Plaintiff
15 GAYLE SMITH

ORDER

Good cause appearing therefore, the Court hereby approves the revised "Settlement Class 1 (Hourly Class) Member" definition, approves the minimum pre-tax settlement payment of \$50 to Settlement 1 Class Members and approves the revised Settlement Class Notice. The revised Settlement Class Notice and appropriate Claim Forms shall be mailed by no later than March 27, 2015 (the "Notice Date"). The Final Approval Hearing is scheduled for June 17, 2015 at 2:00 p.m. in Courtroom 2 of this Court. Class Counsel shall file a motion for approval of reasonable attorneys' fees, costs and litigation expenses and a motion for approval of the service award/general release payments for Settlement Class Representatives Tripp, Solberg and Smith no later than 15 days after the Notice Date. If the motion for final approval of the settlement will be unopposed, the motion and all supporting papers may be filed 14 calendar days before the Final Approval Hearing. The Final Approval Hearing may be adjourned or continued without further notice to the Class.

IT IS SO ORDERED.

Dated: March 24, 2015



Hon. William H. Orrick
United States District Court Judge